



15

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re Application of:**

**Inventor:** Albert Modl

**Attorney No.:** MODL3002/JEK/JJC

**Application No.:** 10/030,163

**Customer No.:** 23364

**Filed:** April 25, 2002

**Confirmation No:** 4360

**Examiner:** Daniel St. Cyr

**Art Unit:** 2876

**For:** METHOD, DEVICE AND SYSTEM FOR BIOMETRICALLY  
AUTHENTICATING A PERSON

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INTRODUCTORY COMMENTS**

Pursuant to Rule 37 C.F.R. §§ 1.56, 1.97 and 1.98, this Information Disclosure Statement is submitted in the above-identified patent application. A listing of documents to be published on the face of any patent granted from this application is provided on Form PTO-1449 which was previously filed on October 14, 2005. Any other documents or information submitted for consideration by the Examiner are listed in this paper. A copy of each document listed on Form PTO-1449 was submitted with the information disclosure statement that was previously filed on October 14, 2005.

This information disclosure statement is in supplement to the information disclosure statement filed on October 14, 2005 which omitted the certification that the documents listed on the Form PTO-1449 filed on October 14, 2005 were received not more than three months prior from a foreign patent office in accordance with 37 C.F.R. § 1.97(e).

Application No.: 10/030,163  
Examiner: Daniel St. Cyr  
Art Unit: 2876

**Additional Documents or Information Not Listed on  
Accompanying Form PTO-1449 Submitted for Consideration**

The references on the accompanying Form PTO-1449 were filed in opposition to the granted European patent EP 1,208,539 B1 which is a counterpart to the pending application. The listed prior art references are those references that have not already been made of record in the pending application.

While in the opposition proceedings DE 196 10 066 C1 was cited against EP 1,208,539 B1, its corresponding European patent 0,886,833 is provided herewith as a substitute to DE 196 10 066 C1 since it contains English language claims.

**Concise Statement of Relevancy  
(Non-English Language Documents Only)**

The following describes the subject matter of EP 0,886,833, as related in the English language abstract accompanying its corresponding WIPO publication 97/34251:

In order to capture facial data, several pictures of a person are taken with a camera and checked for the presence of a face and the eye positions are determined. Features localised at grid points of a superposed grid, and determined by the positions of the eyes are extracted and summarised to form characteristics vectors. From the available sets of characteristics vectors, a set of reference characteristics vectors is calculated by averaging for each person. Using an optimisation process applied to a pre-existing databank which assigns weightings to the reference characteristics vectors, the discriminance of the averaged characteristics is raised. The captured data are used as comparative data for the newly determined characteristics data of a single picture when determining or confirming a person's identity.

**Statement Regarding Translations**

Applicants do not have a complete English language translation of EP 0,886,833.

**Statement of Timeliness**

This Information Disclosure Statement is submitted after three months from (i) the filing date of the above-identified U.S. National Patent application, or (ii) after three months from entry into the U.S. National Stage of the above-identified International Application, or (iii) the date of entry into the U.S. National Stage of the International

Application No.: 10/030,163  
Examiner: Daniel St. Cyr  
Art Unit: 2876

Application that has been assigned the above-identified U.S. Patent application number, whichever applies; and after the mailing date of the first Office Action on the merits of the above-identified application, but prior to issuance of a Final Action, Notice of Allowance, or Action closing prosecution sent in such application. The certification under 37 C.F.R. § 1.97(e) is submitted separately or below, or the fee required under 37 C.F.R. § 1.97(c) and § 1.17(p) is submitted herewith.

Certification

It is hereby certified that each item of information contained in this statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement. Accordingly, no fee is required with the filing of this statement.

If any issues remain that may be resolved by a telephone or facsimile communication with the applicants attorney, the examiner is invited to contact the undersigned at the numbers shown below.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Justin J. Cassell", written over a horizontal line.

Date: November 21, 2005

JUSTIN J. CASSELL  
Attorney for Applicant  
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